

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	<b>ORDER OF SUSPENSION</b>
	)	<b>(BREACH OF CONTRACT)</b>
Kenneth T. Carter,	)	
	)	
Certificate 118441	)	

### SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 8, 2005. On May 23, 2005, the Office of Teacher Certification sent Kenneth T. Carter a notice of his right to a due process hearing regarding the possible suspension of his South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Mr. Carter received the notice, as evidenced by the signed postal receipt bearing his signature. Mr. Carter wrote to the Department of Education on June 1, 2005, stating that he did not wish to request a hearing. After considering the evidence presented, the State Board voted to suspend Mr. Carter's certificate for one year.

### FINDINGS OF FACT

Mr. Carter holds a valid certificate and held an induction contract for the 2004-05 school year with Fairfield County School District. Mr. Carter was assigned as an eighth grade Social Studies teacher at Fairfield Middle School. On April 28, 2005, Mr. Carter notified his Principal that it was his last day of employment, and that he was resigning because he had accepted other employment that was to begin immediately. On May 2, 2005, the District notified Mr. Carter that his resignation was not in compliance with District policy. On May 17, 2005, the District Board of Trustees voted to request suspension of Mr. Carter's certificate as a result of his breach of contract.

### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient evidence supporting its conclusion that Mr. Carter breached his contract with Fairfield County School District, warranting the suspension of Mr. Carter's certificate 118441 for a period of one year, from June 8, 2005, through June 7, 2006. Should Mr. Carter wish to have his certificate reinstated at the end of the suspension period, he may make a written request for reinstatement to the Office of Teacher Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina  
June 8, 2005